IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

RPFC.No. 108 of 2003()

MC.400/2002 of FAMILY COURT, MANJERI

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REVISION PETITIONER : RESPONDENT

PARANTHODAN UMMER S/O. PARANTHODAN
HYDROSE, PULAMANTHOLE AMSOM DESOM,P.O.PULAMANTHOLE
MALAPPURAM DISTRICT

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: PETITIONERS

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1. RUKKIYA @ RUMSANA D/O. AALIYATHU
MUHAMMED, ANAMANGAD AMSOM DESOM, P.O.ANAMANGAD.

2. SHIRINFIDA (MINOR) AGED 1 AND 1/2 YEARS
D/O. RUKKIYA @ RUMSANA, (MINOR RESPONDENT
REPRESENTED BY MOTHER/GUARDIAN 1ST PETITIONER)

BY ADV. SRI.C.M.KAMMAPPU
SMT.K.V.RESHMI

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

R.P.(FC) No.108 of 2003

Dated this the 22nd day of October, 2007

O R D E R

The revision petitioner is the respondent/husband in M.C.No.400/02 instituted by his estranged wife for the maintenance of the minor child of six months old. The order challenged is the direction of the court below to pay maintenance at the rate of Rs.1,000/- to the second petitioner child from the date of the petition.

2. The petitioner/wife had claimed maintenance at the rate of Rs.2,000/- per month for the child. It is alleged that the respondent/revision petitioner is running a jewellery at Pulamanthol town and earning Rs.25,000/- per month. It is also alleged that he is having building given on rent from which he is getting Rs.6,000/- per month. He is having 3½ acres of land from which he is getting Rs.15,000/- per month. His residential building is situated in 50 cents of plot. On the other hand, respondent/revision petitioner had claimed that he is only one of the 5 partners of the jewellery at Pulamanthol and that income

from therein is very meagre to maintain his first wife and three children. He has denied the alleged income that he is having. He has been sending the amounts to the petitioners by money order.

3. The evidence adduced in the matter consisted of the testimony of PW1, the first petitioner and RW1 respondent.

4. As noted by the trial court, the respondent has admitted that his elder son is studying in a self-financing Engineering College and further that the respondent is living in a two storied concrete building and that he has constructed pillars for building a shop room in front of the house. I find that the above admissions in the cross examination indicate that he is quite well of. He has no case that the first petitioner/wife is having any source of income or employment. In the circumstances, I find that no interference is called for in the order of the court below.

The R.P.(FC) is dismissed.

K.R.UDAYABHANU,
JUDGE

csl